REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

Amendment

Claims 8 and 13 have been amended to recite specific EGF-R protein tyrosine kinase inhibitors, such as disclosed in the present application at pages 4, 7, 9, 11, and 15, other than EGF-R protein tyrosine kinases that are isoflavanone compounds such as the soy derivatives genistein and quercetin. These claims have also been amended to require merely reducing the induction of MMPs by EGF-R activation, rather than requiring complete inhibition or prevention of EGF-R activation.

New claim 17 is a product by process claim, supported at least by the specification at pages 12-13, and as a product claim can be examined with the present claims. New claim 20 is supported at various places in the specification, including pages 15 and 16.

No new matter is added.

Notice of Non-Compliant Amendment and Election of Species

In connection with the Notice, new claims 17-20 now recite a portion of the Markush group recited in amended claim 8.

In connection with all of the pending claims 8-20, applicants elect the species of brominated quinazolines for examination. It is noted that the compound PD 153035 is a brominated quinazoline; see also the present application at page 9, line 6.

Rejection under 35 U.S.C. 112[1]

The rejection of claims 8-16 hereunder is respectfully traversed in light of the present amendment to recite reducing MMP induction, as opposed to complete inhibition or prevention. Accordingly, this rejection may now be withdrawn.

Rejections under 35 U.S.C. 102

The rejection of claim 8 as anticipated by Wei or Kelly is respectfully traversed in light of the present amendments. As noted above, this claim has been amended to exclude EGF-R protein tyrosine kinase inhibitors that are isoflavones such as genistein, which appears to be the sole compound in a dermatological carrier that is disclosed in the reference as inhibiting EGF-R activation (*see, e.g.*, claim 8 of Wei). Likewise, Kelly discloses isoflavones. Accordingly, this rejection may now be withdrawn.

Further, applicants traverse the use of Kelly as prior art. Kelly is based on a PCT application filed prior to 29 November 2000, and so the applicable law (sec. 13205 of Pub. L. 107-273) is §102(e) existing on 28 November 2000, which requires that Kelly have a §371 date prior to applicants' invention. Because Kelly has a §371 date of 19 September 2000 and the present application claims priority

from a provisional application filed 26 June 2000, Kelly is not available as prior art.

Rejections under 35 U.S.C. 103

The rejection of claims 8-16 as obvious over Wei or Kelly in view of Moldenhauer (*et al.*), Rhodes, or Fisher (*et al.*) is respectfully traversed in light of the foregoing amendments which, as discussed in connection with the §102 rejection, now recite a class of compounds that does not include the genistein in Wei and the isoflavones in Kelly; Kelly is again traversed as being available as prior art.

Applicants would also note that Wei teaches that genistein inhibits erythema (sunburn) in mice. In Example 3, Wei is concerned with cancer ("expression of protooncogenes c-fos and c-jun" at col. 3, ln. 64-65), and in that example genistein only inhibited induction of c-fos, not c-jun. In human skin, UVB does not induce c-fos; if the examiner desires a copy of a peer-reviewed prior journal publication showing that c-fos is not induced in human skin upon UVB exposure, the examiner is requested to contact the undersigned.

With respect to Rhodes, not all triazoles are P-450 inhibitors, and Rhodes has no disclosure of P-450 inhibitors for his compounds, and instead discloses that triazoles protect the skin by absorbing UV light (top of column two). Otherwise, none of the secondary references includes a disclosure suggesting any of the compounds now recited in claims 8 and 13. It is acknowledged that the secondary references disclose compositions for protecting skin from UV light, but still they do not disclose the compounds claimed, nor reducing EGF-R

activation via a protein kinase inhibitor. Thus, with regard to the dependent claims 9, 10, 15, 16, 19, and 20, none of the references, even in combination, teaches or suggests a composition including a non-isoflavone EGF-R inhibitor. Accordingly, this rejection may be withdrawn.

Applicants would also note with regard to new claims 17-20, that none of the cited references mentions or suggests that inhibition of the EGF receptor is beneficial in reducing MMP induction. As the candidate compound selected for sunscreen is not an isoflavone like genistein, these claims would not have been obvious from the cited references.

Conclusion

In light of the foregoing amendments and remarks, withdrawal of all of the rejections, and further and favorable action, in the form of a Notice of allowance, are believed to be next in order, and such actions are earnestly solicited.